Previous references.
S+A 30/1898-99 Sel.
Camp no 407-22 dy 1.11.1891
G 8139/Gen 12-06-60 dy 27.6.07

1911-12
(S+A)

File No. 474-11
Serial Nos. 1-3.

Later references.
H.M 3064/16

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—3

Part B. for August 12.

SUBJECT.

Interpretation of the term "Service" used in article 332 M.S.R

1 From the Comptroller. No 5283/Pen 45.0 dy 16.3.12
Requests to be informed what the term 'Service' appearing in art 332 M.S.R means.

2 To the Comptroller. No 7260 dy 16.7.12
States that the term in the article must be interpreted as meaning qualifying Service & not active Service

3. G.R.S. 58 Page 101, Art 328
Insert the word "qualifying" between the words 'of' & 'Service' appearing in line 3
(4th Secn no 4 dy 12.8.12)

N° C 377.
15. 6. 12.

G.R.S. 11] 1911–12

GENERAL AND REVENUE SECRETARIAT.

(Sta.)

NOTES.

File No. 474.

FILE HEADING.
Interpretation of the term "Service" used in article 332. M.S.R.

From The Comptroller

No. 5485 / Pen: 450 Dated 16. 3. 12 Received 18. 3. 12.

Diary No. 3355	Enclos.	Spare Copies.	Serial No. 1.

BRIEF ABSTRACT OF LETTER.
Requests to be informed what the term "Service" appearing in art: 332 M.S.R. means.

NOTES AND ORDERS.
1) The Comptroller ~~asks~~ wants to know what the term "Service" used in art: 332. M.S.R. means;— whether it means "qualifying Service" or "active Service". He points out that "active Service" denotes only time spent

NOTES—First Sheet.

GPB—30,000—12-811

G. R. S. 12]
General and Revenue
Secretariat.

S 1a File No. 474 of 1911-12.

Serial No.

Spent on duty and privilege leave while "qualifying Service" includes in addition time spent on furlough, leave on medical certificate etc within certain limits and that when the articles 331 and 332 M.S.R are read together the term "Service would appear to denote "qualifying Service" while in the G.os № 407-22 d: 1-11-1891 and G. 98139-G.M.12-06-68 d: 27-6-1907 upon which art: 332 M.S.R appears to be based, the expression used is "active Service". He adds that it is not unusual in British India to insist on a certain term of "active Service" in cases of Special enhanced pensions Subd for orders.

DM2-47
21-3-12.

2) 21.3.12. The word "Service" & not active Service has been used in the A & C Ship and the order of 27th June 07 uses the word "Active Service" & this order later it has to be taken that for insist on an active Service of 25 years. But even here there officers who formed the Civil Service under the Order shall not be subject to this order - the active Service Can only apply to Enhancements to the Civil Service &

NOTE—Contn. sheet

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Sta File No. 474. of 1911-12

Serial No.

Vertue of the Order of June 07 & subsequent enhancements cannot affect those already in the Civil Service. Mr Sparke having been in the Civil Service already the period of Service or Active Service does not seem to arise at all in his case.

3) Turning to the general question, it has been stated that under the rules a maximum of 2 years absence on leave with all Counts as service qualifying for pension one year will count after a service of 25 years. It is said that there should be an active service of 25 years should be under inoperative the Criterion above referred to which does not seem to be the intention of Govt. It is said therefore there should be qualifying Service & not active service.

Perley 24.3.11

4) The order of 1891 also has "active service". Does Mr Sparke under those rules? If not what rules is he under & what is the word used in those rules?

JM 25/3

5) Mr Sparke comes under the rules of 1907 there active service of 30 years are interpreted literally that

7 ... Recommendation ... Mr Sparke ... Rules ... 1/4/11

NOTE—Contn. sheet

GPB—50,000—12-8-10

G. R. S. 12]
eral and Revenue Secretariat.

Sta File No. 474 of 1911—12

Serial No.

A Civil Servant would be worse than that of a non-Civil Servant. The word cannot therefore be interpreted literally and must be interpreted literally. It has to be understood in the sense of active service in the case of Civil Servants in the C.S.R. Rather than modify our definition of active service it would be better to drop the word 'active' in both the Rules of 1891 & 1907.

X
W 566 C&R. Subsequent under Secretary's letter W 182 Sta 12.

(Secy)

6) It is difficult to say in what sense the term "active service" was used in the Rules of 1891 & 1907. But it seems to me that the best course is to follow the M.S.R. & interpret 'service' in Art 332 as 'qualifying service'.

26/3

Draft

7) Draft sent. DW 247 dtd. 29.3.12.

220

8) (Approved)

9) I agree.

1/4/12 Secy

10) I agree also. But this question has to be

6.22
Rec'd 4.4.12

[OTE— Contn. sheet.

GPS—50,000—12-3-10

R. S. 12]

General and Revenue Secretariat.

Sta File No. 474 of 1911-12

Serial No.

Considered in more aspects than one, & probably an order to interpret the word "Service" uniformly will be necessary - Please put up the draft such an order and circulate to Council thereupon at Council meeting -

11) Mr Sparkes' case can be dealt with as a special case separately & may form the subject of a separate file

12) Bv II

CM 10/4/12 10/4/12

13) Mr Sparke's case has been separated and draft put up as per Secretary's orders. (Vide linked file Sta. 519 of 11).

14) Instructions are solicited for drafting the order interpreting the word "Service" uniformly &.

Sd/ DMM 24) 10/4/12

15) I think Exactly know what to do. ask them if necessary

Seems to be to introduce the word Qualifying "before the word 'Service' in article 332 Regs

Sd 12-4-12

Sd 19/4/12

NOTE—Contn. sheet.

GPB—20,000—20-1-12

Sta File No. 474 of 1911-12

(6)

Serial No.

16) Put up an order as suggested above & submit to Govt Secy for necessary action - If Govt decide to adhere to "active service in Art 332 there is no objection if the language is made clear. DM 20/4

17) Draft sent. to Govt Secy as directed above with a draft DMB 47 (DM-09) 25-4-12 — KE 25/4/12

18) Circulate CSB 26/4/12 KE

Seen 28/4/12

Seen 4/5/12

Submitted to the Dewan with Govt's & Consult resolution.

May a copy be sent to the Comptroller in accordance with the opinion of

GPB—50.000—13-5-08

R. S. 12]

General and Revenue Secretariat. File No. of 191

Serial No.	
—	Mr. Council
1856 / 17-6-12	Dewan

2 12 / 1878

NOTE—Contn. sheet.

GPB—20,000—20-1-12

Meeting

No C. 302.
27. 4. 12.

8

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Interpretation of the term "Service" used in article 332. M.S.R.

CIRCULATED TO COUNCILLORS.

By Order,

27. 4. 1912.

C.S. Balaram Iyer
Offg. Secretary to Government.

First Councillor.

Seen. Letter

Second Councillor.

G.R.S. 15]

9

Facing sheet for cases included in the schedule appended to Notification No. 36 of the 8th Aug. 1902.

GENERAL AND REVENUE SECRETARIAT.

Subject— Interpretation of the term "Service" used in article 332. M.S.R.

	Date	Initial of Officer himself or responsible Deputy.
Received in the Secretariat	18.3.12	
Submitted to Secretary		
Submitted by Secretary to Dewan ~~or Councillor in charge~~		
Returned to Secretary		
Circulated by Secretary for Council	27.4.12	
Forwarded by Councillor		
Forwarded by Councillor		
Received in Secretariat		
Considered in Council		
Submitted to the Dewan		
Submitted to His Highness		
Orders passed by His Highness		
Final Orders issued		
Circulated to Councillors		
Passed on by the Councillor		
Returned to Secretary by Councillor		

GPB—3,000—19-4-10

Extract from the Proceedings of the 277th Meeting of the Council of His Highness the Maharaja, held at Mysore on the 6th, 7th & 8th ~~190~~ June 1912.

22. Subject.-(Clause xii of the Schedule).

Interpretation of the term 'Service' used in Article 328 of the Mysore Service Regulations (4th Edition) - whether it means 'active service' or qualifying service.

Opinion of the Council.

Reading sections 327 & 328 together, the term service occurring in the latter section must be inter-preted to mean 'qualifying' service and not 'active' service.

Sd/- T. Ananda Row.

Dewan of Mysore.

"Extract"

Offg. Secretary to Government.

Submitted to His Highness.

These papers relate to the interpretation of the term 'service' used in articles 327 and 328 of Mysore Service Regulations (4th Edition) to entitle an officer to claim a retiring pension.

"Paper under Threshold"

2. The Comptroller seeks instructions as to whether the term 'service' means 'active service' or qualifying service'. The difference between the two terms is explained at length in the Comptroller's letter.

3. A similar doubt arose when Mrs. Sparkes inquired whether her husband was entitled to retire on the expiry of leave on medical certificate. In consultation with the Financial Department, she was told that Mr. Sparkes would be entitled to retire on the expiry of his leave. The construction put on the word 'service' as used in article 328 was that it meant qualifying service. Both the Councillors agree to this interpretation being communicated to the Comptroller.

4. The accompanying Council Resolution that

19

reading articles 327 and 328 together, the term 'service' occurring in the latter section must be interpreted to mean qualifying service and not active service, may be approved.

27 June 12

19

Record of Cases submitted for the Orders of His Highness the Maharaja

28.6/12
385

Subject.

Interpretation of the term 'Service' used in articles 327 and 328 of the Mysore Service Regulations relating to claims for retiring pensions.

Order.

Approved
~~KRW~~
31/7/12

G. R. S. 12]

General and Revenue Secretariat.

Sda File No. 474 of 1912

Serial No.	
	The Enclosed draft which is approved may be issued EB 9/7/12 Issue draft with Art-Slip le 10/7
2	To The Comptroller. no H 260 Dr 16-7-12 States that the terms in the Article must be interpreted as meaning qualifying service and not active Service. Subd Draft A & C Slip put up. Art 332 of the 3rd Edn corresponds to Art 328 of the 4th Edn ~~Hoo 86 dtd 19~~ 26/7/12 Jesa 7) Le 27-7-12 M 28/7/12 Issued
3	Issued. Vide List no. 4 Dt 28-8-12 letter M.S.A— 4th Edition

It is requested that in future communications on the subject, the No. and date of this letter, and the distinguishing letters below the number as given opposite, may be quoted and addressed to the Comptroller, Mysore Government.

No. 5485/4.5

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT,

Dated Bangalore, the 16 March 19 12

FROM

J. S. CHAKRAVARTI, ESQ., M.A.,
F.R.A.S., etc.,
Comptroller to the Government of
His Highness the Maharaja of Mysore.

3355

To

.....~~Esq.~~,

The *Secretary to the Government of Mysore,*

...F...i...n...a...n...c...i...a...l.....*Department.*

11 12
5th
474 Fin-1

SIR,

I have the honour to bring to your notice certain doubts which have been felt in the interpretation of the term 'service', appearing in article 332, Mysore Service Regulations, which specifies the names of officers who are entitled to a retiring pension after a service of twenty five years. Reading this article with the one appearing immediately before it in the Mysore Service Regulations, the term 'Service' would appear to denote 'qualifying service." This article of the Mysore Service Regulations, however, appears to be based on the Government Orders constituting the Mysore Civil Service-G.O.No.Camp 407-22 dated 1st November 1891, G.O.No.G.98139-G.M.12-06-68 dated 27th June 1907--wherein the expression used is 'active service'. In G.O.No.7568--7605/P & A 590 dated 17th December 1898 amending the Mysore Service Regulations, the epithet used is 'qualifying'. There is a great deal of difference between 'qualifying service' and 'active service' in as much as the latter, broadly speaking, denotes only time spent on duty and privilege leave, while the former includes, in additi time spent on furlough, leave on medical certificate, etc. (within

certain

Rec.—Gl. 18]

.....Department.

19/2

From

J. S. CHAKRAVARTI, Esq., M.A.,
F.R.A.S., etc.,
Comptroller to the Govt. of
H. H. the Maharaja of Mysore.

To

.....Esq.,

Secretary to the Govt. of Mysore,
Legal (R&C).....*Dept.*

Dated

Despatched 16-3-12

Received

No. 5285/450

Subject-matter.

Bringing to notice certain doubts which have been felt in the interpretation of the term "service" appearing in article 332 M.S.R. which specifies the manner who are entitled to receiving pension &c

certain limits) vide article 280 Mysore Service Regulations. I do not know if the expression 'active service' was advisedly used in the above orders and if it was intended to carry the technical meaning which it possesses in the Mysore Service Regulations. If this was the intention of Government, article 332 of the Mysore Service Regulations is not in keeping with it and requires to be modified.

In this connection, I may be permitted to say that the claim of an officer to pension is, as a rule, generally based on his qualifying service but in the case of special services to which special enhanced pensions are attached, it is not unusual to insist on a certain term of active service. To quote an instance-in British India, a membe of the Indian Civil Service gets the maximum pension of £1,000 per annum if he has put in a total service of 25 years out of which at least 21 years is spent on active service; if, with the same total service, the active service does not amount to 21 years, he gets a pension of only £700 per annum.

The present reference owes its origin to a letter addressed to me by Mrs. Sparkes wherein she wants to know the earliest date on which Mr. Sparkes, Excise Commissioner, can retire and if he cannot retire(after the expiry of leave on medical certificate which he is now taking) without rejoining his appointment. Mr. Sparkes having joined the service on 1st April 1885, his qualifying service on 18th January 1912 comes to 26 years, 9 months and 18 days, while the active service amounts only to 24 years, 6 months and 21 days as he had furlough and leave on medical certificate for an aggregate period of 2 years, 2 months and 27 days. According to article 332 M.S.R. as it stands, as he has put in more than 25 years' qualifying service, he can retire at any time he likes and in an unofficial file, I have noted to that effect on 2nd November 1910. But if he has to put in 25 years' active service, he will have to serve some time longer before he can retire voluntarily and the answer to Mrs. Sparkes' query is th dependent on the general question raised above.

I have the honour to be,
Sir,
Your most obedient servant,

J S Chakravarti

Comptroller.

C.M.R.

1 1/2

Leaf Keepers

474

G.R.S. 26] 1917

File No. 11

Serial No. 2

Diary No. of letter replied to 3355

approved 9/12/17

No. H. 260

General and Revenue Secretariat

(Sda.)

, *the* 19 .

To

The Comptholler

Sir,

Adverting to your letter No 5485 d: the 16th March 1917 Pen: 450 bringing to notice certain doubts which have been felt in the interpretation of the term "Service" appearing in art: 332 M.S.R., which Specifies the names of officers who are entitled to a retiring pension after a Service of 25 years and

over..

Desiring

Date of issue 16-7-12

Signed by Hn. Shamanna

SUBJECT.

desiring to be informed of
the correct interpretation of
the term, I am directed to state
that the term ~~states~~ must be interpreted as meaning "qualifying
Service" and not "active service"

I have &c

For H. Secy.

DWB 27 (Genl (9))
29.3.12

1/4/12

23
9/7/12

List of enclosures,

Copied by KB 12/7/12

Examined by

GPB—10,000—28-2-11.

S

G.R.S. 26]

S/A File No. 4744

Serial No,

*Diary No. of letter replied to*_____

No.

~~A & G~~

General and Revenue Secretariat

( )

, the 19 .

~~The~~ Addenda & Corrigenda to M. S. R. 4th Edition

Date of issue_____

Signed by_____

Art 328 Page 101

Insert a note to this article.

Note. The term "Service" appearing in this article must be interpreted as meaning "qualifying service" and not "active service."

Page 101. Art 328

~~Insert~~ Insert the word 'qualifying' between the words 'of' and ~~service~~ 'service' ~~appearing~~ appearing in line 3

(4th Edition no. 4 of 1928)

W 7/8

Financial Secretary

~~over~~.

How86 (Mrcg) 26/7/12 K.

SUBJECT. 27-7-12